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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,276	12/31/1997	SUE HARKINS CRIM	97-500	7642

32127 7590 08/21/2003

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/002,276

Applicant(s) 

CRIM ET AL.

Examiner

Frantzy Poinvil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12,22-27,37-42 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12,22-27,37-42 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Regarding the status of the claims in the instant application, the Examiner has made an updated search and found new prior art. The Examiner is obliged to apply the newly found prior art. Thus, the finality of the prior Office action has been withdrawn and a new rejection follows. The Examiner regrets the delayed process of the application. Accordingly, claims 7-12, 22-27, 37-42 and 48 remain pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-12, 22-27, 37-42 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (US Patent No. 4,071,697) in view of Katko (US Patent No. 5,991,310).

As per claim 7, Bushnell et al discloses an interactive video/telephone system in which video signals containing blocks of information represent "groups of data each having an address portion and data portion pertaining to merchandise" offered for sale from a plurality of stores. Note column 2, lines 34-43 of Bushnell et al. A viewer may choose to select a video signal using a keyboard (column 3, line 17-23) and transmits such to a receiver 19 which in turn submits a

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request to initiate a product/supply process by the store or provider. Note column 3, lines 24-35 of Bushnell et al. Bushnell et al further discloses receiving a request identifying a customer and including an encoded bundle code identifying the store and the merchandise to be purchased. Note column 5, lines 1-15 and column 3, lines 24-46 of Bushnell et al. The claimed step of “storing in a database a set of bundle codes, each bundle code indicating at least two products offered by at least two different providers” is not explicitly taught by Bushnell et al. However, Bushnell et al teaches one code identifying one product and one provider. Note column 3, lines 17-35. Having a set of bundle codes, each bundle code or a package of products identifying at least two products by at least two different providers is taught by Katko. Note column 4, lines 14-20 and column 13, lines 63-67 of Katko. The converting step is equivalent to identifying the proper store to send the purchased request. Note column 3, lines 31-35 of Bushnell et al. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Katko into Bushnell et al in order to allow customers to make a plurality of purchases from a plurality of suppliers in order to provide a discounted price to customers.

As per claim 8, note column 5, lines 16-22 of Bushnell et al. where it is taught deciphering the purchase order for transmitting such to a particular store advertising a particular merchandise. Doing the same in the combination of Bushnell et al for at least two products offered by at least two providers would have been obvious to one of ordinary skill in the art so that a particular purchase order would be transmitted to the appropriate store.

As per claim 9, note column 55-63 of Bushnell et al.

As per claims 10-11, note the above rejection of claim 1 and column 5, lines 1-40 of Bushnell et al.

As per claim 12, the combination of Bushnell et al and Katko fails to explicitly recite “selecting product codes corresponding to the received bundle code form a stored table”. However, it should be noted that Bushnell et al teaches a plurality of codes identifying a plurality of products offered for sale by a plurality of stores or providers. The Examiner asserts that a store usually offer products for sale in the form of a catalog. These products are associated with a code identifying the particular products. Providing these product codes in a table for selection in the combination of Bushnell et al and Katko would have been obvious to one of ordinary skill in the art at the time the invention was made for inventory purposes.

Claim 22 recites a database, a receiver, a converter to perform the functions recited in claim 7 as these features are addressed above. Having a database, a receiver and a converter in the combination of Bushnell et al. and Katko would have been obvious to one of ordinary skill in the art in order to provide a well organized system in which data can be easily stored and retrieved.

Claims 23-27 contain limitations found in respective claims 8-12 and these claims are likewise rejected.

Claims 37-42 are drawn to a computer program product containing instructions for performing the functions or features recited in respective claims 7-12. It should be noted that the combination of Bushnell et al and Katko are computer implemented method which must contain computer instructions to be processed by a computer processor to perform the recited functions.

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Thus, claims 37-42 are likewise rejected under the same rationale applied in respective claims 7-12 above.

As per claim 48, claim 48 recites a request-processing gateway controller and a service-provider gateway controller for performing the recited functions of claim 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a gateway controller in the combination of Bushnell et al and Katko in order to enable incompatible computers or devices to interact with the overall system.


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP
August 11, 2003


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628